

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BP LUBRICANTS USA, INC., a
Delaware corporation, formerly known
as CASTROL NORTH AMERICA,
INC.,

Plaintiff,

v.

PRO-FORMANCE LUBE CENTER,
INC., an Idaho corporation; MANGUS,
LLC, an Idaho limited liability
company; and DAVID STEWART and
TERESA STEWART, individually and
as a marital community,

Defendants.

NO: CV-10-388-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE the Court is the parties' Stipulated Motion to Dismiss without
Prejudice, ECF No. 33. The parties request an order dismissing the case without
prejudice, pursuant to Fed. R. Civ. P. 41(a)(ii). The parties also request a 60-day
period of time to perfect the settlement. If neither party moves to vacate the
dismissal within the 60 days, the parties request that the order be amended to

1 dismiss with prejudice. Having reviewed the motion and file and pleadings
2 therein, the Court finds good cause to grant the motion.

3 Accordingly,

4 **IT IS HEREBY ORDERED:**

- 5 1. The parties' Stipulated Motion for Dismissal without Prejudice, **ECF**
6 **No. 33**, is **GRANTED**. Plaintiff's Complaint and any and all
7 counterclaims and/or cross-claims are **dismissed without prejudice** and
8 without costs to any party.
- 9 2. All pending motions, if any, are **DENIED AS MOOT**.
- 10 3. All scheduled court hearings, if any, are **STRICKEN**.
- 11 4. If neither party seeks to vacate the dismissal within sixty days, the order
12 will be amended to dismiss **with** prejudice. The clerk shall set a 60 day
13 case management deadline.

14 The District Court Clerk is directed to enter this Order, provide copies to
15 counsel, and **CLOSE** this file.

16 **DATED** this 6th day of February 2012.

17
18 s/ Rosanna Malouf Peterson
19 ROSANNA MALOUF PETERSON
20 Chief United States District Court Judge